

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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JOHN WENINGER  
on behalf of himself and all  
others similarly situated,

Plaintiff,

Case No. 18-cv-321

v.

GENERAL MILLS OPERATIONS, LLC,

Defendant.

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**JOINT MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT**

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Plaintiff, John Weninger (“Weninger”), on behalf of himself and all others similarly-situated, and Defendant, General Mills Operations, LLC, (“General Mills”), jointly move this Court for preliminary approval of the parties’ settlement of this lawsuit in accordance with the Joint Stipulation of Settlement and Release, attached hereto as **Exhibit A** (“Settlement Agreement”).

For settlement purposes only, the parties seek certification under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b), of a collective class of all 434 current and former hourly paid, non-exempt Production Employees employed by Defendant at any of its Production Facilities in the United States between March 2, 2015 and March 2, 2018 and who received a “wage incentive bonus” and have filed opt-in forms and/or have consented to join this lawsuit pursuant to this Court’s prior orders. (Declaration of David M. Potteiger (“Potteiger Decl.”), ¶ 17.) The parties believe that the Settlement Agreement is fair and reasonable because it fully and adequately

satisfies this Court's criteria for collective action settlements. As such, the parties respectfully request that this Court:

(1) Preliminarily approve the terms and conditions as memorialized in the parties' written Settlement Agreement as fair, reasonable, and adequate;

(2) Designate the Named Plaintiff, John Weninger, as representative for the 29 U.S.C. 216(b) Collective Class ("Class Representative");

(3) Designate Walcheske & Luzi, LLC as class counsel for the 29 U.S.C. 216(b) Collective Class ("Class Counsel");

(4) Order Final Certification for settlement purposes of a collective action under FLSA, 29 U.S.C. § 216(b); and

(5) Direct Class Counsel to make an application for reimbursement of reasonable attorneys' fees, costs, and litigation expenses in an amount of \$113,090.00 no later than twenty-one (21) calendar days prior to the fairness hearing.

Dated this 30th day of January, 2019.

s/ David M. Potteiger

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